

Thanet District Council

Property Risks & Compliance

Supplementary Policy & Procedures

February 2024/V 1.0



Policy	Property Risks and Compliance
Department	Place
Service	Property
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1.0 Policy Statement

As a local authority, Thanet District Council has a duty to ensure that buildings under our control comply with appropriate statutory, regulatory and corporate standards.¹ Strengthening the management of operational policy assets is a key priority for the Council. This Policy sets out a comprehensive operational property risk and compliance framework demonstrating how we meet these duties and deliver high quality standards of operational property services to our residents.

2.0 Definition of Terms

Term	Abbreviation (where relevant)	Definition
Governance		The system by which organisations are directed and controlled. It defines accountabilities, relationships and the distribution of rights and responsibilities among those who work with and in the organisation, determines the rules and procedures through which the organisation's objectives are set, and provides the means of attaining those objectives and monitoring performance. This includes establishing, supporting and overseeing the risk management framework. ²
Operational Property		Property owned, leased, or operated by the Council for the purposes of delivering its services including but not limited to: <ul style="list-style-type: none"> ● council offices ● depots ● amenity land ● crematorium ● car parks ● assets held for regeneration ● vacant units
Risk		The effect of uncertainty on objectives. Risk is

¹ 'Compliance Monitoring in Council Buildings (England),' CIPFA, 2020, p.4:

<https://www.cipfa.org/-/media/Files/CIPFA-Thinks/Reports/Compliance-Monitoring-in-Local-Authority-Buildings-England-2020.pdf>

² Definition from 'The Orange Book: Management of Risk - Principles and Concepts,' UK Government, May 2023, p.57:

https://assets.publishing.service.gov.uk/media/6453acadc33b460012f5e6b8/HMT_Orange_Book_May_2023.pdf

		usually expressed in terms of causes, potential events, and their consequences. ³
Thanet District Council	TDC/the Council	The owner, leaser or operator of Operational Property

3.0 Scope and Audience

This Policy's scope is **operational property only** as defined at 2.0. It is important to note that while this document aims to establish a comprehensive operational property compliance framework, it may not address all aspects of our diverse portfolio.

While this policy addresses how the Council meets its statutory and other requirements, it is not itself a legally-binding document and should not be read as such.

This policy's audience includes:

- our residents
- property developers and other property organisations
- staff/Officers
- Members/Councillors
- any other stakeholders with an interest in operational property under TDC's auspices.

4.0 Overview

Strengthening the management of operational property assets is an important priority for the council. This includes ensuring the Council's duty of care is fulfilled by meeting our statutory obligations and eliminating operational property risks wherever possible or reducing them to a safe and acceptable level. Operational property asset management also creates the opportunity to improve service quality and value for money for our residents. The foundation of this process is robust data and processes, increased capacity as far as possible, more effective governance and joined-up decision-making.

As a landlord and an employer, the Council has a duty of care to provide a safe environment for its staff and users. Because of this, all operational properties will undergo a series of risk assessments, audits, and planned maintenance prioritisation planning to ensure statutory compliance, risk mitigation and acceptable condition levels are maintained at all times. Where relevant, an identified program of recommended remedial works is agreed upon and resourced.

The Council's operational properties must remain compliant, but the variety, span and location of our portfolio and the vast range of surveys and assessments required make this a complex activity.

³ Abridged definition from 'The Orange Book: Management of Risk - Principles and Concepts,' UK Government, May 2023, p.57:
https://assets.publishing.service.gov.uk/media/6453acadc33b460012f5e6b8/HMT_Orange_Book_May_2023.pdf

To overcome this complexity and ensure levels of compliance that can be measured and reported, the Council adopts the [CIPFA Guidance Note](#) on Compliance Monitoring in Council Buildings (England) 2020 (and any subsequent updated versions) and tailors it to the specific needs of TDC.

This document highlights the key areas where compliance monitoring is required, the types of compliance, frequency and best practice processes, along with background information on the various legislation that governs statutory compliance.

The table at Annexe 2 outlines the current number of operational assets and the departmental split of these assets.

5.0 Purpose

The purpose of this policy is to engender confidence in the Council's operational property management by demonstrating how it adheres to relevant laws, regulations, and ethical standards across its varied operational property portfolio. This document does so by outlining the Council's commitment to:

1. **Legal Adherence:** Ensure compliance with UK laws and regulations.
2. **Ethical Conduct:** Promote ethical business practices.
3. **Risk Mitigation:** Identify and mitigate potential legal and financial risks.
4. **Stakeholder Confidence:** Build trust with residents, councillors and employees.
5. **Accountability:** Define roles and responsibilities for compliance.
6. **Reporting:** Monitor, evaluate, and improve compliance processes.
7. **Inform:** Provide relevant information on compliance requirements.
8. **Documentation:** Maintain comprehensive records of compliance activities.

6.0 Tenanted Portfolio

The Council's portfolio of assets includes sites that are directly managed by a third party (eg a Tenant or a Lessee). Where an external organisation has operational control of premises, most of the ongoing compliance requirements fall within their duties as the "person in control" of the asset.

For tenanted properties, the council asks the tenants to submit a declaration to confirm they are aware of the compliance checks and reports they are obligated to obtain such as:

- Electrical (EICR)
- Legionella
- Gas
- Asbestos
- FRA

The council, in its capacity as Landlord, retains in most cases, the responsibility for EPC standards and compliance with this legislation, except for instances where the requirements are due to a specific tenant deviation from the Lease, or where there have been recent changes in legislation.

In addition to the tenant declaration of compliance, the council also retains the right to request copies of the compliance documentation for audit purposes.

However, it is essential that the Council understands that despite these compliance elements being the tenant's responsibility, there will always be residual financial, legal and reputational risks that will remain.

7.0 Statutory Compliance

The basis of British health and safety law is the Health and Safety at Work Act 1974 (HSWA) and associated supplementary Regulations and Codes of Practice. Section 3 of the Act imposes a clear duty on local authorities to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable, the safety of council staff and the public using premises.

The primary statutory instruments driving statutory compliance for property assets are:

- The Health & Safety at Work etc. Act 1974
- Managing Health & Safety at Work Regulation 1999
- The Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations 2010 (as amended)
- The Control of Substances Hazardous to Health COSHH Regulations 2002 & Amendment 2003
- The Control of Asbestos Regulation 2012
- The Health and Safety Executive Approved Code of Practice (ACoP) Guidance on Legionnaires Disease, the Control of Bacteria in Water Systems L8.

It is important to note that regardless of whether your building is currently occupied or will remain empty for a period of time, there is still a regulatory requirement for duty holders to maintain their building compliance even at minimal levels.

8.0 Compliance Aspects Table

The table at Annexe 1 showcases a full comprehensive list of aspects highlighting the requirements, the frequency, the legislation it falls under and the delegated responsibility.

9.0 Property Process: Initial Risk Assessment and Compliance Certification

The compliance process begins with the Property Compliance Officer (PCO) conducting an initial risk assessment to establish statutory requirements in key areas. This includes:

- Asbestos Register (for all buildings)
 - Electrical – fixed electrical installations (EICR)
 - Fire Risk Assessment
 - Gas Safety
 - Radon
 - Legionella - Report.
1. PCO initiates site visits, coordinating access with the nominated building contact (appointed by the relevant Head of Service), to assess compliance in these areas. Subsequently, Property will commission certifications or reports from competent specialist firms (e.g. Gas Safe Engineer, NICEIC Electrician, Asbestos firm).
 2. Upon receipt of the reports/certificates, PCO records the information and collaborates with the Facilities Manager (FM) for any necessary remedial actions. (please see Annexe 1 for split of responsibility between Property, FM and Building Occupier)
 3. The various reports are then shared with the nominated building contact to inform building occupiers about the status and condition of their operating environment.
 4. Property conducts regular compliance audits to ensure adherence to legislation and the effectiveness of the compliance measures in place, including checking that 100% of the certification is in place. The audit will also include a spot-check of the accuracy and robustness of certification, conducted by an appropriately qualified third party, on an echelon of 10% of properties randomly selected.

10.0 Facilities Process: Maintaining Compliance

Following the main initial risk assessments, FM will be responsible for executing all identified actions to keep the property compliant. The division of tasks between Property and FM is outlined as follows:

Remedial Actions:

The responsibility split for the remedial actions (where these have been identified) is as follows:

- If remedial actions are significant or require Capital Expenditure then it is for Property to undertake the necessary capital expenditure subject to budgetary allowance and capital bids, or in instances where the repairs are uneconomical, to assess alternative strategic actions and/or suitability for asset rationalisation. (Where capex is required, consideration should be given as a priority to low carbon technology replacements).

- Where the remedial actions are routine and Revenue Expenditure, it will be for FM to action these as part of day-to-day repairs.
- A set criteria will be set in conjunction with the Finance Team to clearly delimitate capital and revenue expenditure and appropriately apportion budgets. (to be completed before publishing this policy)

FM's Compliance Actions:


- Asbestos Management Plans (for buildings with asbestos): FM ensures adherence to asbestos management plans.
- Contractor Qualification Check: FM oversees the qualification check for contractors.
- Portable Appliance Testing: FM conducts PAT testing.
- Lifts and Hoists: FM manages compliance for lifts and hoists.
- Slips and Trips: FM addresses compliance regarding slips and trips.
- Fire doors (6 monthly): Arrange formal certificated 6 monthly inspections.
- Vacant Buildings: FM oversees vacant building specific compliance activities and undertakes routine vacant building inspections.
- Legionella - Maintenance: FM ensures maintenance and testing in accordance with legionella risk assessments.

This structured division of responsibilities ensures a comprehensive and efficient approach to property compliance, with FM playing a crucial role in sustaining compliance measures and addressing specific actions identified during the initial risk assessments.

11.0 Building Occupiers Process: Checklist and Reporting of Issues



While comprehensive compliance measures are in place, there are specific elements of statutory compliance that require regular monitoring, often on a weekly basis. To assist building occupiers in fulfilling these checks, we have developed an electronic Building Compliance Checklist. This checklist covers essential areas and will be stored centrally for auditing purposes.

Building Compliance Checklist: [Link to Live Checklist](#)

Property Address:					
Date:					
Name:					
Building Occupier Checklist					
	Example checks	YES	NO	N/A	Help
Air conditioning systems	Check for proper functioning. Ensure regular	FALSE	FALSE	FALSE	 Air con...

	<p>maintenance is scheduled.</p> <p>Verify temperature controls.</p>				
Asbestos management plans (for buildings where asbestos is present)	<p>Confirm presence and location of asbestos management plans.</p> <p>Report any damage or signs of deterioration.</p>	FALSE	FALSE	FALSE	
Car parking and vehicle/ pedestrian segregation	<p>Ensure designated parking areas are clear.</p> <p>Check for clear pedestrian pathways and signage.</p>	FALSE	FALSE	FALSE	
Compulsory display of notices	<p>Confirm all required notices are prominently displayed.</p>	FALSE	FALSE	FALSE	
Contractor qualification check- if appointed directly	<p>Verify qualifications and certifications of appointed contractors.</p>	FALSE	FALSE	FALSE	
Control of Substances Hazardous to Health (COSHH) Risk Assessment	<p>Ensure access to and understanding of COSHH risk assessments.</p> <p>Report any concerns related to hazardous substances.</p>	FALSE	FALSE	FALSE	
Duct hygiene (air conditioning, plenum heating)	<p>Schedule regular cleaning and maintenance.</p> <p>Check for visible signs of dust or debris.</p>	FALSE	FALSE	FALSE	
Electrical (Routine Checks) – fixed electrical installations	<p>Checking that all reported defects have been rectified, checking for breakages, wear/deterioration, signs of overheating, missing parts, loose fixings, confirming switchgear accessible (not obstructed), doors of enclosures are secure, adequate labelling in place, and the operation of switchgear and equipment.</p>	FALSE	FALSE	FALSE	

Emergency lighting	Test emergency lighting systems periodically. Replace faulty bulbs or batteries promptly.	FALSE	FALSE	FALSE	
Extraction systems including fume cupboards	Confirm proper functioning of extraction systems. Schedule regular maintenance.	FALSE	FALSE	FALSE	
Fire detection and alarm systems	Test alarms regularly. Report any issues immediately.	FALSE	FALSE	FALSE	
Fire doors (weekly)	Check fire doors for proper closure. Ensure clear exit pathways.	FALSE	FALSE	FALSE	
Firefighting equipment	Confirm the availability and condition of firefighting equipment.	FALSE	FALSE	FALSE	
First aid equipment	Regularly check first aid kits and supplies. Ensure accessibility to first aid stations.	FALSE	FALSE	FALSE	
Fuel oil storage	Check for leaks or signs of damage. Confirm compliance with storage regulations.	FALSE	FALSE	FALSE	
Glazing	Inspect windows for cracks or damage. Ensure compliance with safety regulations.	FALSE	FALSE	FALSE	
Hydrotherapy pools and swimming pools	Schedule regular maintenance checks. Verify water quality and safety measures.	FALSE	FALSE	FALSE	
Lifts and hoists	Test hydraulics, lifts, chains, ropes for correct functionality periodically. Report any issues promptly.	FALSE	FALSE	FALSE	
Stability of Mobile accommodation	Confirm stability and safety measures.	FALSE	FALSE	FALSE	
Shared premises	Communicate and coordinate with other occupants. Address any shared space issues promptly.	FALSE	FALSE	FALSE	

Slips and trips	Regularly inspect and address potential hazards. Ensure proper signage for wet or slippery areas.	FALSE	FALSE	FALSE	 Slips a...
Working at height	Provide necessary safety equipment for tasks at height. Confirm adherence to working at height regulations.	FALSE	FALSE	FALSE	 Workin...
Others Checklist					
		YES	NO	N/A	Help
Construction (Design and Management) Regulations 2015					
Equality Act 2010					
Playground and gymnasium equipment – fixed					
Topple test					
Tree safety					

Regularly reviewing and addressing these items is essential for maintaining a safe and compliant working environment. Building occupiers are encouraged to use the checklist and report any issues promptly to ensure a proactive approach to compliance management.

12.0 Reporting

The Head of Property will report the compliance position to the Corporate Health and Safety Committee as part of corporate performance reporting.

This will include Key Performance Indicators that will be produced and provided at service level on a monthly basis and at CMT and to councillors on a quarterly basis.

As a minimum, these KPI measures will include reporting on:

- Asbestos reports, including follow up actions completed
- EICR including follow-up actions completed
- GSC including follow-up actions completed
- FRA including follow-up actions completed
- Legionella including follow-up actions completed
- EPC including follow-up actions completed
- LOLER including follow-up actions completed

Annexe 1

Compliance Aspects Table

The table below showcases a full comprehensive list of aspects highlighting the requirements, the frequency, the legislation it falls under and the delegated responsibility.

Aspect	Service requirement	Frequency /regularity	Links to other information/ documents	Relevant legislation/British Standard/Approved Code of Practice	Responsibility
Air conditioning systems	Inspection	Annual or bi-annual	The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 No. 991	The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012 No. 809	Building Occupier
Asbestos Register (for all buildings)	Report	When circumstances dictate eg if changes to the premises have been made	www.hse.gov.uk/services/education/asbestos-faqs.htm	Control of Asbestos Regulations 2012	Property to risk assess the requirement for certification and instruct Specialist Firm to undertake. FM to action remedial actions. Property to monitor and audit remedial actions (if required)
Asbestos management plans (for buildings)	Report	Annually			FM & Building Occupier

where asbestos is present)					
Car parking and vehicle/ pedestrian segregation	Risk Assessment			The Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 17)	Building Occupier
Compulsory display of notices	Checks made to ensure correct and up to date information is displayed	Regular checks to ensure information is still on display and is current		Various	Building Occupier
Construction (Design and Management) Regulations 2015	On commencement of a construction project		www.hse.gov.uk/construction/cdm/2015/index.htm	Construction (Design and Management) Regulations 2015	Client, Lead Officer of the Project
Contractor qualification check	Checks made on contractors qualifications ie NICEIC, ECA	On appointment of contractor	See also sections on Gas Safety Regulations and Electricity at Work Regulations	Where contractors are appointed directly by the premises manager then checks should be made to ensure that they have the appropriate qualifications to carry out the specified work. This is covered by various pieces of legislation, such as Electricity at Work Regulations 1989, Gas Safety Regulations 1998 etc	FM/or building occupier if appointing directly
Control of Substances Hazardous to	Check on storage and use of hazardous	Annual	www.hse.gov.uk/coshh/index.htm ; COSHH A Brief	The Control of Substance Hazardous to Health Regulations 2002 (as	Building Occupier

Health (COSHH) Risk Assessment	materials		Guide to the Regulations;	amended)	
Equalities Act 2010	Inspection	Checks to be made whenever alteration/changes are made to the building or the external environment	Disability Discrimination Act 1995 Disability Discrimination Act 2005 BS8300	Equality Act 2010 (see also Disability Discrimination Act 1995 and 2005 and BS8300 for background) Building Regulations 2010	On commencement of a construction project/ Project Manager
Duct hygiene (air conditioning, plenum heating)	Inspection and testing	Annual inspection and testing – thorough cleaning routine determined from testing/inspection results		Workplace (Health, Safety and Welfare Regulations) 1992 and COSHH LEV Testing	Building Occupier
Electrical - PAT	Portable appliance testing	Variable but can be up to annual	The Provision and Use of Work Equipment Regulations 1998 and Electricity at Work Regulations 1989	The Provision and Use of Work Equipment Regulations 1998 and Electricity at Work Regulations 1989	FM
Electrical – fixed electrical installations	Periodic Report	Maximum Five yearly (or more frequently as determined by Regulations &		Electricity at Work Regulations 1989 and BS 7671 IET Wiring Regulations	Property to risk assess the requirement for certification and instruct Specialist Firm to undertake. FM to action remedial actions. Property to monitor and audit remedial actions (if required)

		Building Type or at the competent testing persons request)			
Electrical – fixed electrical installations	Routine Checks	Variable but can be up to annual		Electricity at Work Regulations 1989 and BS 7671 IET Wiring Regulations	Building Occupier to arrange Routine Check/Inspection (max annually) in the years between periodic inspections and maintain records. FM to action remedial actions. Property to monitor and audit remedial actions (if required)
Emergency lighting	Inspection and testing of system	Variable but recommend monthly checks by premises manager to check functionality, RCD (Residual Current Device [Circuit Breaker]) test. To include stop button functional test.		Electricity at Work Regulations 1989 and Regulatory Reform (Fire Safety) Order 2005 BS 5266 Part 1:2016	Building Occupier
Extraction systems including fume cupboards	Local exhaust ventilation	Every 14 months		Control of Substance Hazardous to Health 2002 (as amended); British Standard BS EN 14175- 3 applies to the installation of fume cupboards	Building Occupier

Fire risk assessment	Fire risk assessment	Whenever any changes are made that will impact on the original assessment		Regulatory Reform (Fire Safety) Order 2005	Property to risk assess the requirement for certification and instruct Specialist Firm to undertake. FM to action remedial actions. Property to monitor and audit remedial actions (if required) Property to commission additional assessments on the instruction of the Building Occupier.
Fire detection and alarm systems	Inspection and testing of system	Weekly test		Regulatory Reform (Fire Safety) Order 2005 BS 5839-1:2017 Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises	Building Occupier
Fire doors	Inspection	Weekly by occupier and 6 monthly by competent person		Regulatory Reform (Fire Safety) Order 2005	Building Occupier (weekly checks). FM to arrange certified checks (6 monthly)
Firefighting equipment	Inspection and maintenance extinguishers/ Sprinklers	Annually		Regulatory Reform (Fire Safety) Order 2005	Building Occupier
First aid equipment	Inspection	Regular checks to ensure no equipment is outside of		Health and Safety (First Aid) Regulations 1981 as amended by the Health and Safety (Miscellaneous Amendment) Regulations	Building Occupier

		expiry date		2002	
Fuel oil storage	Maintenance checks on all pipe work devices	Anually		The Control of Pollution (Oil Storage) (England) Regulations 2001	Building Occupier
Gas safety	Certification	Annually		The Gas Safety (Installations and Use) Regulations 1998 The Gas Safety (Installation and Use) (Amendment) Regulations 2018	Property to risk assess the requirement for certification and instruct Specialist Firm to undertake. FM to action remedial actions. Property to monitor and audit remedial actions (if required)
Glazing	Inspection	Weekly		Workplace (Health, Safety and Welfare Regulations 1992) and Building Regulation, Part K	Building Occupier
Hydrotherapy pools and swimming pools	Risk assessment		The Health and Safety Executive publication HSG179 Managing health and safety in swimming pools (HSG179)	Health and Safety Act Work Act 1974	Building Occupier
Lifts and hoists and Lifting equipment (ropes, chains etc:)	Thorough examination, full maintenance and Inspection	Every six months minimum for passenger lifts Every 12 months for goods lifts After substantial and significant changes have		Lift operations and Lifting Equipment Regulations 1998	FM & Building Occupier

		been made			
stability of Mobile accomodation	Structural inspection of mobile accommodation	Annual (depending on age)		BRE Digest 374 1992	Building Occupier
Playground and gymnasium equipment – fixed	Inspection and testing	Annual		BS EN 1176-1:2017, BS 1892-4:2003, BS 7188:1998+A2:2009, BS 7044-4:1991	Open Spaces
Radon	Risk assessment			The Ionising Radiation Regulations 2017 (IRR17)	Property
Shared premises	Risk assessment	As and when required		Regulation 11 of the Management of Health and Safety at work Regulations 1999	Building Occupier
Slips and trips	Risk assessment	As and when required		tm The Workplace (Health and Safety and Welfare) Regulations 1992	FM & Building Occupier
Topple test	Risk assessment	Annual and following any works that could have caused damage and high winds		Local Authorities' Cemeteries Order 1977 (LACO)	Crem & Burial Services
Tree safety	Risk assessment	Annual and following any works that could have caused damage and high winds		Health and Safety at Work etc Act 1974 Occupiers Liability Act 1957 and 1984	Open Spaces
Vacant buildings	Risk assessment & Inspection	weekly		Occupiers Liability Act 1984	FM
Water hygiene and	Risk assessment	Risk		Health and Safety Act Work	Property to risk asses the requirement for

safety (Legionnaires' disease etc)		assessments reviewed regularly or in any case if there is a reason to believe original assessment is no longer valid		Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems Approved Code of Practice	certification and instruct Specialist Firm to undertake. FM to action remedial actions. Property to monitor and audit remedial actions (if required)
Water hygiene and safety (Legionnaires' disease etc)	Maintenance checks on all pipe work devices (strainer, valves, blending valves, pumps etc	Annual		Health and Safety Act Work Act 1974 Control of Substances Hazardous to Health Regulations 2002 (COSHH) The Notification of Cooling Towers and Evaporative Condensers Regulations 1992 Legionnaires' Disease – The Control of Legionella Bacteria in Water Systems Approved Code of Practice BS 8580-1: 2019	FM
Workstation assessment	Analysis of workstation of display screen equipment user to assess any health and safety risks	Change of equipment, environment, employee or relocation of workstation		Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002	Corporate H&S for Staff

Working at height	Risk assessment			Work at Height Regulations 2005 Management of Health and Safety at Work Regulations 1999 The Workplace (Health, Safety and Welfare) Regulations 1992	Building Occupier &/or Project Manager
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Annexe 2

Operational Property Portofolio

The table below outlines the current number of operational assets and the departmental split of these assets.

Note: These numbers are subject to change over time.

Service Line	No of Assets
Cleansing	1
Coastal & Public Realm	267
Facilities	5
Neighbourhoods	40
Property	56
Regeneration	6
HRA	5
	380